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March 16, 1998

Magalie R. Salas - Secretary
Federal Communications Commission
Washington, DC 20554

re: John Anthony Bulmer, Petition for Rule Making
Hague, New York and Addison, Vermont

Attn: Policy and Rules Division, Mass Media Bureau

Dear Ms. Salas:

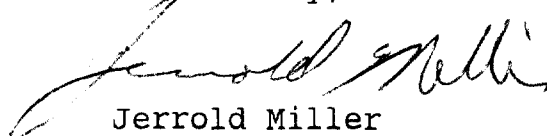
Transmitted herewith is an original and four copies of a supplement to the pending petition for rule making, filed by John Anthony Bulmer on February 20, 1998. In his petition, Mr. Bulmer seeks to amend Section 73.202 of the Commission's rules to replace the present allotment of Channel 229A at Hague, New York, for which he holds a construction permit, with the allotment of Channel 229C3 at Addison, Vermont. Mr. Bulmer's petition stated that additional information would be supplied as a supplement.

The supplement consists of the engineering statement of Carl E. Smith Consulting Engineers. It demonstrates that Mr. Bulmer's proposal fully complies with all Commission technical requirements. Moreover, in addition to providing a new service to the larger community of Addison, the supplement shows that the requested amendment to the Table of Allotments will provide a second full time service to an area of 74.2 square kilometers containing 40 people, according to the 1990 census. The present allotment to Hague does not provide a second aural service to any area. There will be a net gain of 2,287 sq. km, and 34,532 people by implementing this rule making.

Accordingly, this supplement should be accepted and associated with Mr. Bulmer's petition.

Please direct any questions to the undersigned.

Yours truly,


Jerrold Miller

enc.

ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RULEMAKING
CHANNEL 229C3 - ADDISON, VT

John Anthony Bulmer
Hague, NY

March 13, 1998

Prepared for: Mr. John Anthony Bulmer
P. O. Box 2040
Ashtabula, OH 44005-2040

CARL E. SMITH CONSULTING ENGINEERS

CONTENTS

Title Page

Contents

Engineering Affidavit

Roy P. Stype, III

Engineering Statement

Table 1.0 - FM Allocation Study - Channel 229C3 (93.7 MHz) -
Addison, VT

Fig. 1.0 - Detailed Allocation Study
Toward CBM-FM

Fig. 1.1 - Predicted City Grade Contour
Channel 229C3 - Addison, VT

Fig. 1.2 - Authorized and Proposed
1 mV/m Contour

Table 1.2 - Authorized and Proposed
Area and Population

Fig. 1.3 - Map Exhibit Depicting
Underserved Portions
of Loss Area

Table 1.3 - Area and Population Data for
Underserved Portions
of Loss Area

Table 1.4 - Stations Providing Full
Time Service to Loss
Area

Fig. 1.5 - Map Exhibit Depicting
Underserved Portions
of Gain Area

Table 1.5 - Area and Population Data
for Underserved Portions of
Gain Area

CONTENTS

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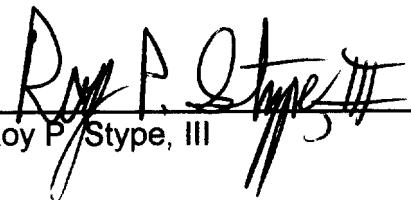
Table 1.6 - Stations Providing Full
Time Service to Gain
Area

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

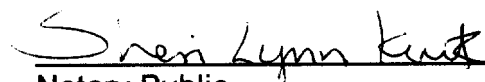
Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by John Anthony Bulmer to prepare the attached "Engineering Statement In Support Of Petition For Rulemaking - Channel 229C3 - Addison, VT."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **March 13, 1998.**



Notary Public

/SEAL/

SHERI LYNN KURTZ, Notary Public
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires June 14, 2000

ENGINEERING STATEMENT

This engineering exhibit is prepared on behalf of John Anthony Bulmer, permittee of unbuilt Radio Station WWFY(FM) - Hague, New York. It supports a petition to amend the FM Table of Allotments to upgrade WWFY to a Class C3 facility and change its community of license to Addison, Vermont. The data contained in this exhibit shows that it is possible to substitute Channel 229C3 in Addison, Vermont, for Channel 229A in Hague, New York, for use by WWFY.

The geographic coordinates for Addison are:

NL - 44° 04' 28"
WL - 73° 20' 49"

This places Addison within Zone II, as defined by Section 73.205(c) of the FCC Rules. Accordingly, as outlined in Section 73.210(a) of the FCC Rules, the allotment of a Class C3 channel to Addison is permitted. The studies contained in this exhibit were conducted from a site 10.3 kilometers west-southwest of Addison. The geographic coordinates of this site are:

NL - 44° 02' 30"
WL - 73° 28' 00"

This site also falls within Zone II, permitting the operation of a Class C3 facility from this site.

Table 1.0 is an FM allocation study for Channel 229C3 from the site described above. An examination of this table shows that operation on Channel 229C3 from this site would be short spaced to the authorized operation of WWFY on Channel 229A and also to CBM-FM - Montreal, Quebec, which operates on Channel 228C1. The short spacing to the authorized operation of WWFY will not pose any problems since this

channel will be deleted if Channel 229C3 is allotted to Addison, as proposed herein. Furthermore, under the provisions of Sections 1.420(g) and 1.420(i) of the FCC Rules, this conflict with the authorized operation of WWFY will permit the construction permit for WWFY to be modified to specify operation on Channel 229C3 in Addison, regardless of other expressions of interest which might be received.

The short spacing to CBM-FM is also permitted pursuant to the September 7, 1984 Working Arrangement for Allotment and Assignment of FM Broadcasting Channels 201 through 300 Under the Canadian-U.S.A. FM Broadcasting Agreement of 1947, as amended. Paragraph 3.5.1 of this working arrangement provides for specially negotiated short spaced unlimited allotments in cases where the required spacing is not met between U.S. and Canadian facilities, provided that the required protection is provided. In this particular case, the required protection will be provided to CBM-FM so long as the predicted WWFY 48 dBu F(50,10) contour does not overlap the predicted CBM-FM 54 dBu F(50,50) contour on Canadian soil. Domestically, Class C3 stations are protected to their 60 dBu contour, as outlined in Section 73.215 of the FCC Rules. Thus, in order to prevent WWFY from receiving interference from CBM-FM, there can be no overlap between the WWFY 60 dBu F(50,50) contour and the CBM-FM 54 dBu F(50,10) contour on U.S. soil. In evaluating compliance with these requirements, WWFY was assumed to be operating from the reference coordinates outlined above with maximum Class C3 facilities of 25 kilowatts effective radiated power at 100 meters above average terrain and CBM-FM was assumed to be operating from its authorized site with maximum Class C1 facilities of 100 kilowatts effective radiated power at 300 meters above average terrain. Figure 1.0 depicts these contours on an appropriate map base. As shown in this figure, all overlap caused to CBM-FM falls on U.S. soil and

there will be no overlap received by WWFY from CBM-FM. Accordingly, based on the above information, the proposed facilities fully comply with this working arrangement. Thus, it is respectfully requested that Canadian concurrence be requested for Channel 229C3 in Addison as a specially negotiated short spaced unlimited allotment.

Figure 1.1 is a map exhibit showing the predicted 3.16 mV/m (city grade) contour for the site specified above for Channel 229C3 in Addison. This contour was projected assuming maximum Class C3 facilities of 25 kilowatts effective radiated power at 100 meters above average terrain, assuming uniform terrain. As shown in this figure, it will be possible to provide city grade service to all of Addison on Channel 229C3 from the proposed reference coordinates. It should be noted that neither Hague nor Addison is located in an urbanized area, as defined by the 1990 U.S. Census. Furthermore, the predicted city grade contour for both the authorized Class A operation of WWFY in Hague and the proposed Class C3 operation in Addison fail to encompass any portion of any such urbanized area. Thus, no showing is required to document the independence of Addison from any such urbanized area.

It should be noted that Addison (population 1023¹) presently has no local radio service. Thus, the proposal outlined herein would provide Addison with its first local service, advancing the FCC's allotment priorities. Furthermore, although WWFY is the only authorized local service in Hague, the deletion of Channel 229A would not deprive Hague (population 699) of an existing service, since WWFY has not yet commenced operation.

Figure 1.2 is a map exhibit showing the predicted 1 mV/m contour for Channel 229C3 in Addison for operation with maximum Class C3 facilities from the coordinates

¹All population data in this exhibit is extracted from the 1990 U.S. Census.

outlined above. This figure also shows the predicted 1 mV/m contour for the present WWFY operating facilities. Both of these contours were projected assuming uniform terrain and nondirectional operation. Table 1.2 presents detailed data on the present and proposed populations and areas, as well as the loss and gain areas. It should be noted, as outlined above, however, that no actual loss in service will occur, since WWFY has not yet commenced operation.

Studies were then conducted to identify all other stations which provide full time aural service to any portion of these gain and loss areas. For all FM stations, uniform terrain was assumed and all classes of stations were assumed to provide service to their 1 mV/m contour, pursuant to FCC policy. All commercial FM stations, with the exception of Class A and Class C stations, were assumed to be operating with the maximum facilities permitted for their class. Calculations for commercial Class C stations and all noncommercial educational FM stations were based on the stations' actual notified operating facilities. Class A stations were considered to be operating with the greater of their actual operating facilities or the former Class A maximum of 3 kilowatts effective radiated power at 100 meters above average terrain. All AM contours were projected utilizing the notified nighttime facilities for each station and conductivity data from FCC Figure M3. Class A AM stations were considered to provide service to their 0.5 mV/m groundwave contours, while all other AM stations were considered to provide service to their nighttime interference free contour, as defined by Section 73.182 of the FCC Rules. Class D AM stations operating at night with subminimum facilities were not considered in these studies, due to the fact that these stations operate on a secondary basis at night and are considered by the FCC to be daytime only stations, in spite of their limited nighttime facilities. These studies

found that portions of both the loss and gain areas presently receive fewer than five full time aural services.

Figure 1.3 is a map exhibit depicting the portions of the loss area which presently receive fewer than five full time aural services and the number of full time aural services presently received in each portion of this loss area. The number of services depicted in this map exhibit do not include the authorized service of WWFY, since, as noted above, the station has not yet commenced operation. As shown in this figure, the entire loss area will continue to receive at least two full time aural services if Channel 229C3 is allotted to Addison, as proposed herein. Table 1.3 presents a tabulation of the areas and populations in this loss area which would continue to receive less than five full time aural services upon the completion of the proposed reallocation. Table 1.4 is a listing of the 17 stations which provide full time service to any portion of this loss area.

Figure 1.5 is a map exhibit depicting the portions of the gain area which presently receive fewer than five full time aural services and the number of full time aural services presently received in each portion of this gain area. Table 1.5 presents a tabulation of the areas and populations in this gain area which presently receive less than five full time aural services. As shown by this data, the proposed reallocation of Channel 229 to Addison as a Class C3 facility will provide a second full time aural service to an area of 74.2 square kilometers, further advancing the FCC's allotment priorities. Table 1.6 is a listing of the 32 stations which provide full time service to any portion of this gain area.

In summary, Channel 229C3 can be allotted to Addison, Vermont, in place of the present allotment of Channel 229A to Hague, New York, to permit the unbuilt facilities of WWFY to be upgraded. This proposed reallocation will provide a first local service to Addison, while also providing a second full time aural service to an area of 74.2 square kilometers, thus advancing the FCC's allotment objectives.

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 229C3 (93.7 MHz) - ADDISON, VT

 JOHN ANTHONY BULMER
 HAGUE, NY

STUDY COORDINATES: 44/02/30 73/28/00

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING* (km)	NOTES
-----	-----	-----	-----	-----	-----	-----
WCAN	Canajoharie, NY	227	A	156.68	42.0	
WZZMFM	Corinth, NY	228	A	91.93	89.0	
WCFRFM	Springfield, VT	228	A	115.53	89.0	
WRFM	Remsen, NY	228	A	159.07	89.0	1
CBMFM	Montreal, QU	228	C1	162.95	181.0	11
WRFM	Remsen, NY	228	A	163.26	89.0	1, 2
WMWV	Conway, NH	228	A	186.94	89.0	
WWFY	Hague, NY	229	A	29.62	142.0	1, 2, 3, 11
ALLOTMENT	East-Angus, QU	229	A	214.38	184.0	12
WEGQ	Lawrence, MA	229	B	261.98	211.0	
WZMX	Hartford, CT	229	B	280.16	211.0	
WLYB	Morrisville, VT	230	A	89.17	89.0	
WMXR	Woodstock, VT	230	A	93.90	89.0	
WPVQ	Turners Falls, MA	230	A	181.94	89.0	
WKXZ	Norwich, NY	230	B	231.30	145.0	
CKKL	Ottawa, ON	230	C1	248.92	181.0	
WNYV	Whitehall, NY	231	A	62.76	42.0	
ALLOTMENT	Old Forge, NY	231	A	126.53	42.0	12
BPH961212MF	Old Forge, NY	231	A	126.71	42.0	7
WBTNFM	Bennington, VT	232	A	123.78	42.0	
CKMFFM	Montreal, QU	232	C1	162.95	92.0	
WGLV	Hartford, VT	282	C3	98.94	14.0	1
WXLE	Mechanicville, NY	283	A	133.11	12.0	1

* Required Spacing Per Section 73.207 of The FCC Rules

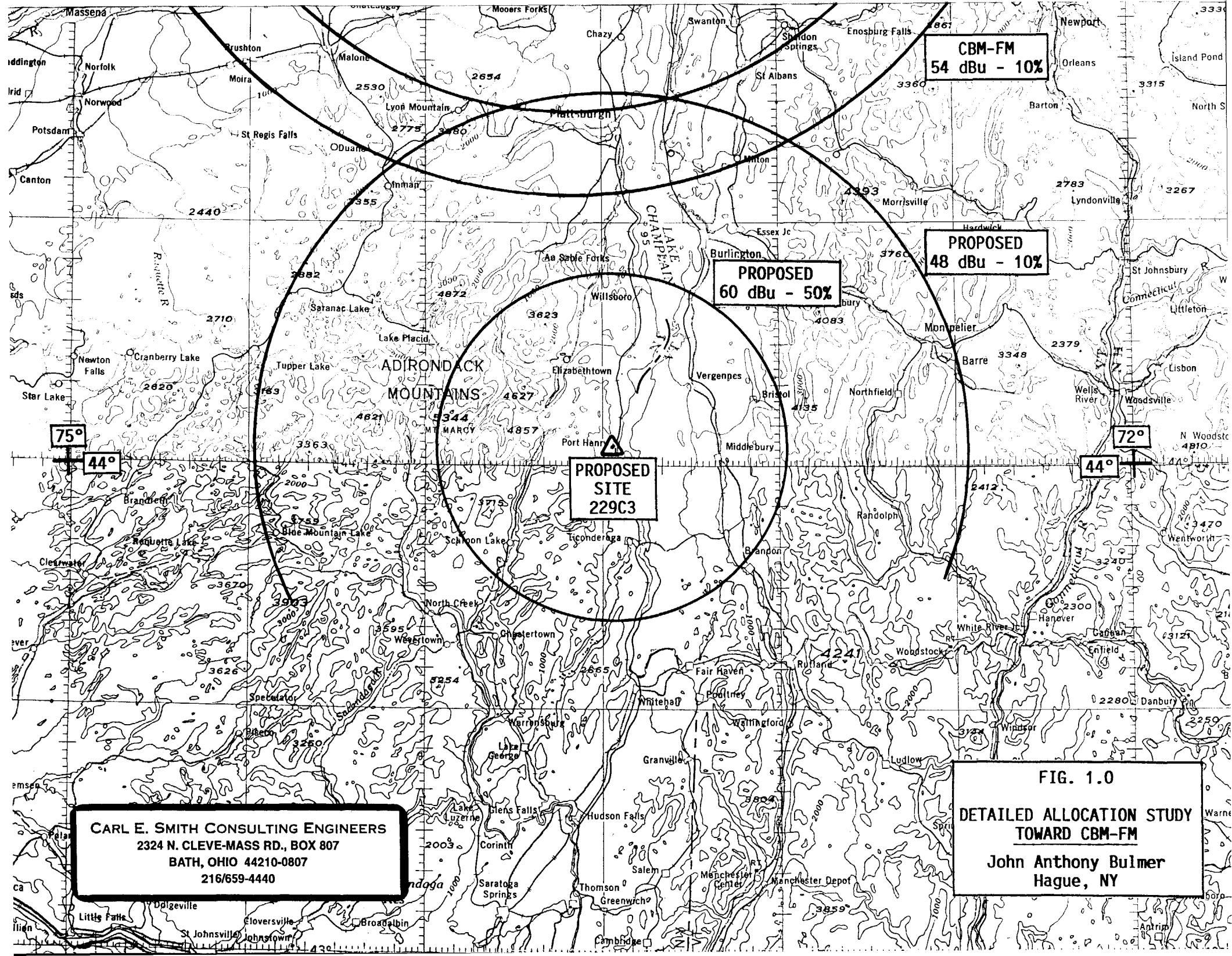
TABLE 1.0 (cont'd)

FM ALLOCATION STUDY - CHANNEL 229C3 (93.7 MHz) - ADDISON, VT

JOHN ANTHONY BULMER
HAGUE, NY

Notes:

- | | |
|--------------------------------------|----------------------------------|
| 1 - Applied For Under Section 73.215 | 7 - Pending Application |
| 2 - Construction Permit | 8 - Petition For Reconsideration |
| 3 - Channel Deletion Proposed | 9 - Proposed Rulemaking |
| 4 - Move From This Channel Ordered | 10 - Rulemaking Petition |
| 5 - Move to This Channel Ordered | 11 - Short-Spaced |
| 6 - One Step Reference Site | 12 - Vacant Allotment |



CBM-FM
54 dBu - 10%

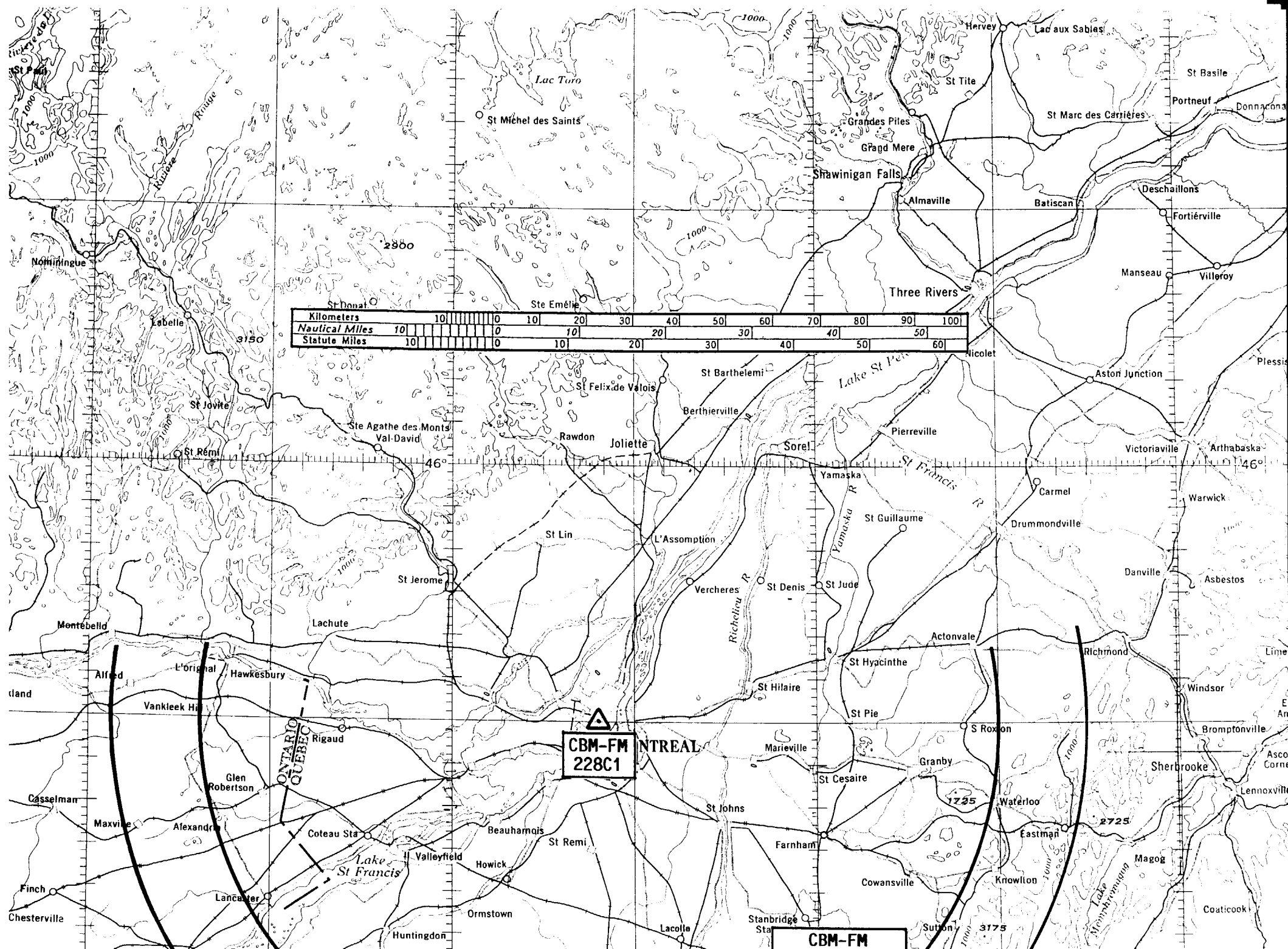
PROPOSED
60 dBu - 50%

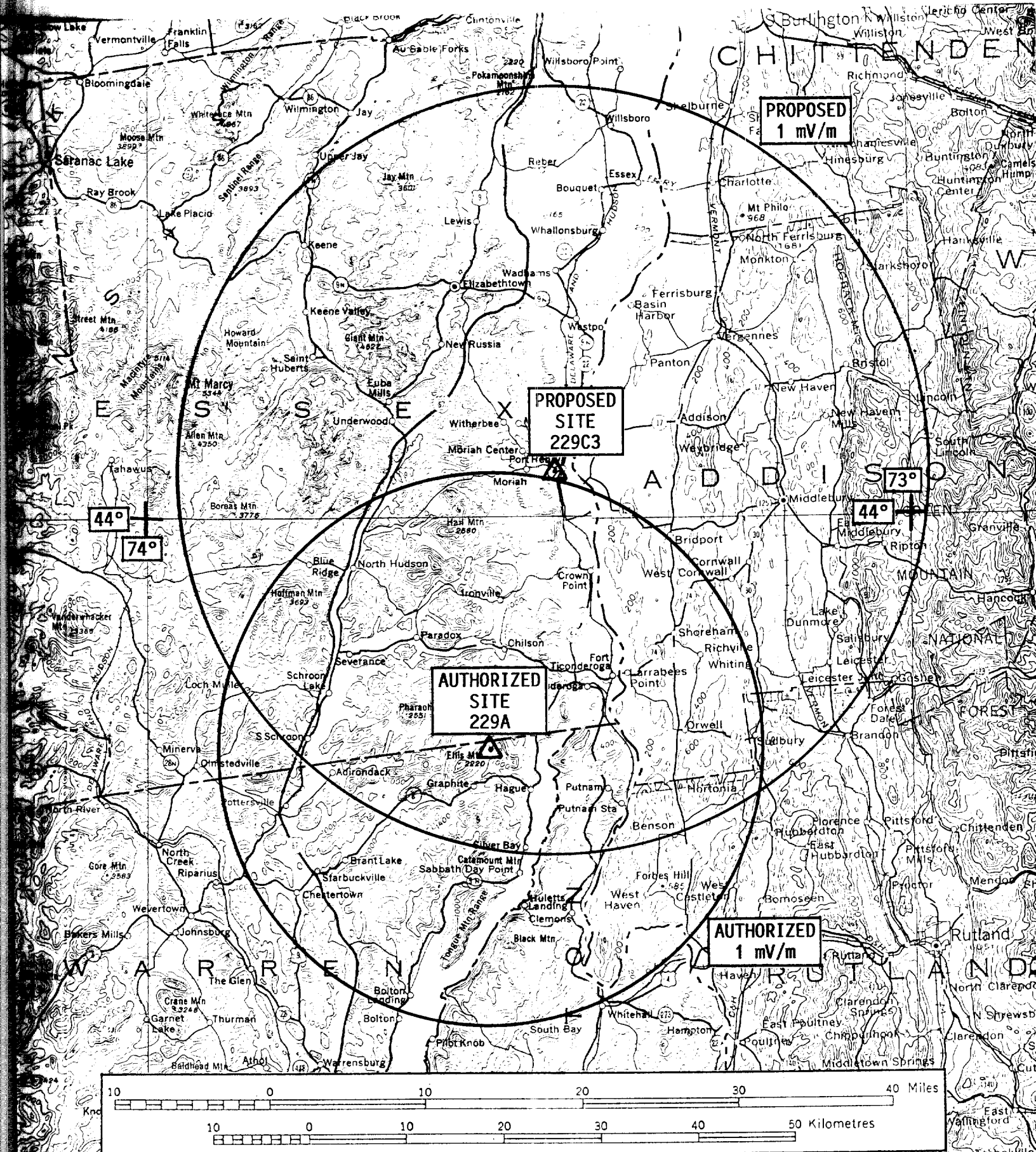
PROPOSED
48 dBu - 10%

PROPOSED
SITE
229C3

CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVE-MASS RD., BOX 807
BATH, OHIO 44210-0807
216/659-4440

FIG. 1.0
DETAILED ALLOCATION STUDY
TOWARD CBM-FM
John Anthony Bulmer
Hague, NY



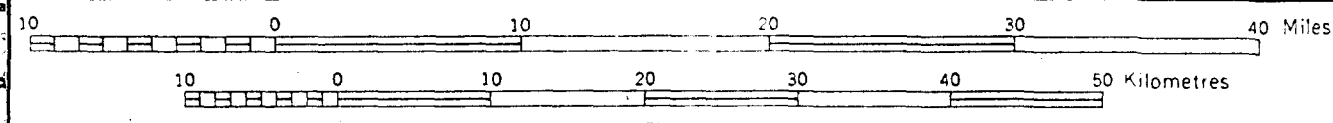


CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVE-MASS RD., BOX 807
BATH, OHIO 44210-0807
216/659-4440

FIG 1.2
AUTHORIZED AND PROPOSED
1 mV/m CONTOUR
John Anthony Bulmer
Hague, NY

TABLE 1.2
 AUTHORIZED AND PROPOSED
AREA AND POPULATION
 John Anthony Bulmer
 Hague, NY

	Area (<u>Square Kilometers</u>)	Population (<u>1990 Census</u>)
Present	2,516.1	24,104
Gain	3,196.1	44,624
Loss	909.3	10,092
Proposed	4,802.9	58,636
Net Gain	2,286.8	34,532

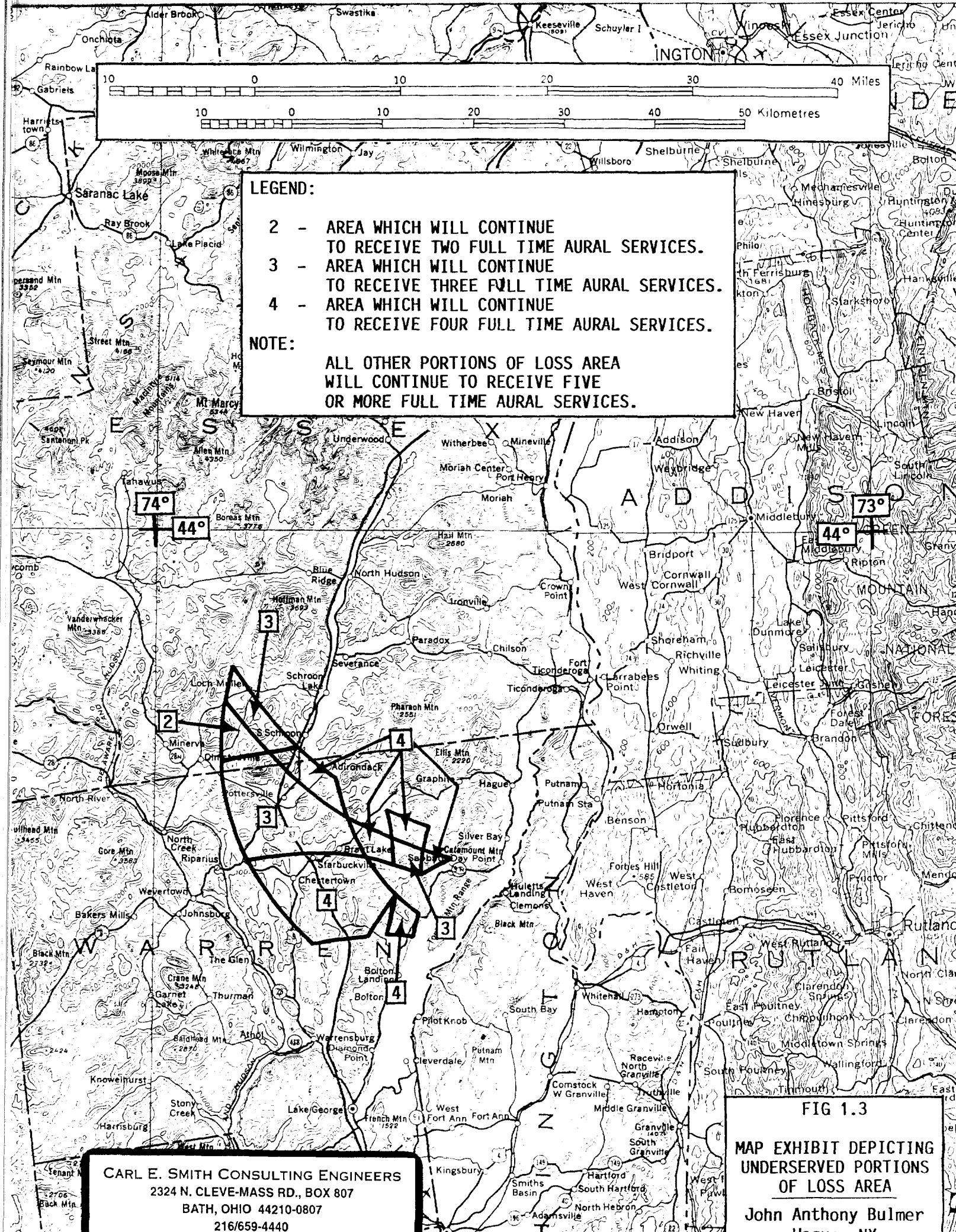


LEGEND:

- 2 - AREA WHICH WILL CONTINUE TO RECEIVE TWO FULL TIME AURAL SERVICES.
- 3 - AREA WHICH WILL CONTINUE TO RECEIVE THREE FULL TIME AURAL SERVICES.
- 4 - AREA WHICH WILL CONTINUE TO RECEIVE FOUR FULL TIME AURAL SERVICES.

NOTE:

ALL OTHER PORTIONS OF LOSS AREA WILL CONTINUE TO RECEIVE FIVE OR MORE FULL TIME AURAL SERVICES.



CARL E. SMITH CONSULTING ENGINEERS
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216/659-4440

FIG 1.3

MAP EXHIBIT DEPICTING
UNDERSERVED PORTIONS
OF LOSS AREA

John Anthony Bulmer
Hague, NY

TABLE 1.3

AREA AND POPULATION DATA FOR
UNDERSERVED PORTIONS OF LOSS AREA

John Anthony Bulmer
Hague, NY

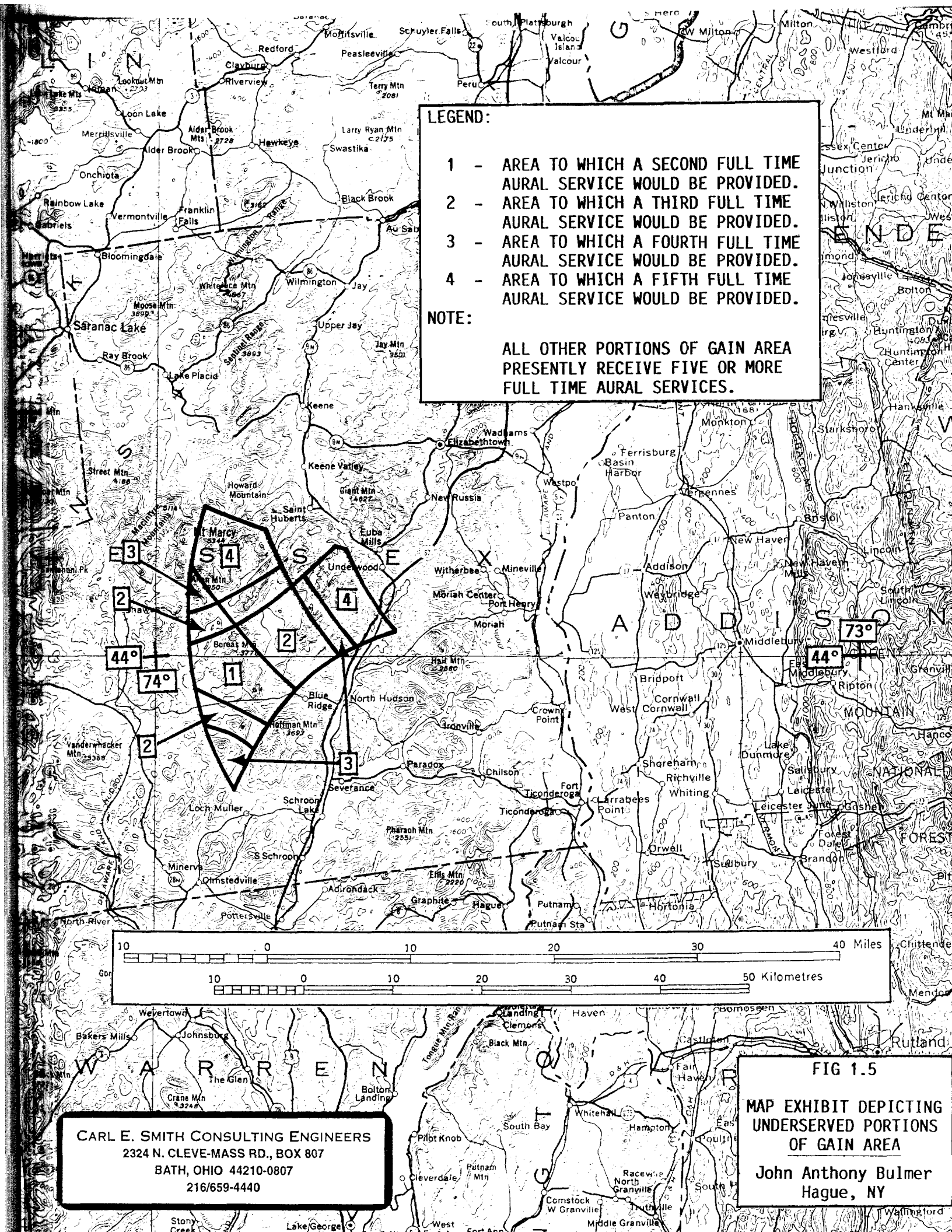
<u>Portions of Loss Area Which Will Continue to Receive:</u>	<u>Area (Square Kilometers)</u>	<u>Population (1990 Census)</u>
Two full time aural services	22.6	66
Three full time aural services	151.6	1,617
Four full time aural services	195.1	1,900
Total underserved area	369.3	3,583

TABLE 1.4

**STATIONS PROVIDING FULL
TIME SERVICE TO LOSS AREA**

John Anthony Bulmer
Hague, NY

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WGY	810	Schenectady, NY
WRVT	204C2	Rutland, VT
WXLG	210C3	North Creek, NY
WLJH(CP)	215A	Glens Falls, NY
WMNM	221C3	Port Henry, NY
WNYV	231A	Whitehall, NY
WJEN(Allot)	233C3	Rutland, VT
WZRT	246C2	Rutland, VT
WJJR	251C2	Rutland, VT
WCKM-FM	256A	Lake George, NY
WKBE	262B1	Warrensburg, NY
WADT(CP)	268A	Brandon, VT
WENU	269A	Hudson Falls, NY
WANC	280A	Ticonderoga, NY
WEBK	287C2	Killington, VT
WNYQ(CP)	289B1	Queensbury, NY
WRUT(Allot)	298C3	West Rutland, VT



LEGEND:

- 1 - AREA TO WHICH A SECOND FULL TIME AURAL SERVICE WOULD BE PROVIDED.
- 2 - AREA TO WHICH A THIRD FULL TIME AURAL SERVICE WOULD BE PROVIDED.
- 3 - AREA TO WHICH A FOURTH FULL TIME AURAL SERVICE WOULD BE PROVIDED.
- 4 - AREA TO WHICH A FIFTH FULL TIME AURAL SERVICE WOULD BE PROVIDED.

NOTE:

ALL OTHER PORTIONS OF GAIN AREA PRESENTLY RECEIVE FIVE OR MORE FULL TIME AURAL SERVICES.

FIG 1.5

**MAP EXHIBIT DEPICTING
UNDERSERVED PORTIONS
OF GAIN AREA**

**John Anthony Bulmer
Hague, NY**

CARL E. SMITH CONSULTING ENGINEERS
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BATH, OHIO 44210-0807
216/659-4440

TABLE 1.5

AREA AND POPULATION DATA FOR
UNDERSERVED PORTIONS OF GAIN AREA

John Anthony Bulmer
Hague, NY

<u>Portions of Gain Area Which Will Receive:</u>	<u>Area (Square Kilometers)</u>	<u>Population (1990 Census)</u>
Second full time aural service	74.2	40
Third full time aural service	124.1	59
Fourth full time aural service	74.2	116
Fifth full time aural service	112.9	225
Total underserved area	385.4	440

TABLE 1.6

**STATIONS PROVIDING FULL
TIME SERVICE TO GAIN AREA**

John Anthony Bulmer
Hague, NY

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WVMT	620	Burlington, VT
WGY	810	Schenectady, NY
WFAD	1490	Middlebury, VT
WRVT	204C2	Rutland, VT
WXLG	210C3	North Creek, NY
WRMC-FM(CP)	216A	Middlebury, VT
WCMK	219A	Bolton, VT
WMNM	221C3	Port Henry, NY
WEZF	225C	Burlington, VT
WJEN(Allot)	233C3	Rutland, VT
WYUL	234C2	Chateaugay, NY
WXXX	238C3	South Burlington, VT
WDEV-FM(CP)	241A	Warren, VT
WXPS	244A	Vergennes, VT
WZRT	246C2	Rutland, VT
WJJR	251C2	Rutland, VT
WOKO	255C1	Burlington, VT
WBTZ	260C	Plattsburgh, NY
WGTK	265A	Middlebury, VT
WCPV	267A	Essex, NY
WADT(CP)	268A	Brandon, VT
WCVR-FM	271C3	Randolph, VT
WMEX	273A	Westport, NY

TABLE 1.6 (cont'd)

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WGLY-FM	277C3	Waterbury, VT
WANC	280A	Ticonderoga, NY
WNCS	284C2	Montpelier, VT
WEBK	287C2	Killington, VT
WLPW	288A	Lake Placid, NY
WSLK	292C3	Saranac Lake, NY
WIZN	294C2	Vergennes, VT
WRUT(Allot)	298C3	West Rutland, VT
WVPS	300C	Burlington, VT